

INTRODUCED: 01/11/2016

REFERRED TO: Community Affairs and Education Committee

SPONSOR: Councillors Robinson and Johnson

DIGEST: amends the Code to add a new chapter establishing the Indianapolis-Marion County public art for neighborhoods program

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**SOURCE:**

Initiated by: Councillor Robinson

Drafted by: Fred Biesecker, General Counsel

**LEGAL REQUIREMENTS FOR ADOPTION:**

Subject to approval or veto by Mayor

**PROPOSED EFFECTIVE DATE:**

Adoption and approvals

GENERAL COUNSEL APPROVAL: \_\_\_\_\_ Date: January 7, 2016

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**CITY-COUNTY GENERAL ORDINANCE NO. , 2016**

A PROPOSAL FOR A GENERAL ORDINANCE amending the Revised Code of the Consolidated City and County by adding a new chapter establishing the Indianapolis-Marion County public art for neighborhoods program.

WHEREAS, cultural and artistic resources and lively public spaces enhance the quality of life for individuals living in, working in, and visiting the city; and

WHEREAS, balanced development of cultural and artistic resources preserves and improves the quality of the urban environment, increases real property values and improves public safety; and

WHEREAS, there are approximately 350 public "percent-for-art" style programs throughout the country, including Seattle, Atlanta, Baltimore, Fort Worth, Philadelphia, Chicago, Phoenix, and Charlotte; and

WHEREAS, in many cities public percent-for-art style programs have assisted in economic development activities by helping to attract and retain businesses, workers and major conventions; now, therefore:

**BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. The Revised Code of the Consolidated City and County is hereby amended by adding a new Chapter 271, to read as follows:

**Chapter 271 – Public Art for Neighborhoods Program**

**Sec. 271-101. Program established.**

The Indianapolis-Marion County Public Art for Neighborhoods Program is hereby established.

**Sec. 271-102. Purpose.**

The city accepts responsibility for expanding the opportunity for its citizens to experience art in, and for the beautification of, public places. The city also recognizes that the inclusion of public art in

appropriate locations will promote the cultural heritage and artistic development of the city, enhance the city's character and identity, contribute to economic development and tourism, improve public safety, add warmth, dignity, beauty and accessibility to public spaces, and expand the experience and participation of citizens with visual arts. A policy is therefore established to direct that funding for the inclusion of works of art and beautification of public space in certain capital improvement projects supported by the city be allocated through this public art for neighborhoods program.

#### **Sec. 271-103. Definitions.**

As used in this Chapter, the following terms shall have the meanings ascribed to them in this section:

*Affordable Housing* means a residential rental housing project owned by a governmental entity, a non-profit entity described in Section 501(c)(3) and any other entity which operates the project in compliance with the provisions of Section 142(d)(1)(A) or (B) or Section 42 (g) of the Internal Revenue Code of 1986, as amended, and which serves one or more of the following purposes:

- (a) to benefit low-income and moderate-income persons;
- (b) to prevent or eliminate slums or blight; or
- (c) to respond to community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community.

*Arts Council* means the Arts Council of Indianapolis.

*Capital improvement project* means any capital project for which the city has provided or agreed to provide an economic incentive to a Recipient, for the construction or substantial renovation of any building, facility, or open space to which the public is generally invited; provided, however, that the term does not include the portion of a project that consists of affordable housing.

*Construction costs* means the total amount appropriated or otherwise allocated for a capital improvement project (including funding from outside sources which permit the acquisition of artwork for the eligible project with such funds).

*Economic incentive* means any direct or indirect use of tax increment funds for the benefit of a Recipient, including but not limited to grants, loans, pledges, and bond sale proceeds.

*Public art for neighborhoods fund* means the special, non-reverting fund established by Section 271-105.

*Recipient* means any individual, partnership, association, organization, corporation or other entity, whether public or private, whether for profit or not for profit, which receives an economic incentive from the city for a capital improvement project.

#### **Sec. 271-104. Funds for works of art and public space beautification.**

This section applies only to project agreements executed on or after January 1, 2016. If the estimated construction costs of a capital improvement project exceed \$100,000, and if the city has provided or agreed to provide an economic incentive for the project, then as part of the overall project agreement between the city and the Recipient, the Recipient must agree to contribute, from non-incentive funds, an amount equal to one (1) percent of the estimated value of the economic incentive to the Public Art for Neighborhoods Fund created by Sec. 271-105. To the extent the Recipient has already spent or agreed to spend funds on public art as part of a particular project, the Recipient shall receive an appropriate credit.

#### **Sec. 271-105. Public art for neighborhoods fund.**

There is hereby created a special fund, to be designated as the "Public Art for Neighborhoods Fund." This fund shall be a continuing, nonreverting fund, with all balances remaining therein at the end of the year, and such balances shall not revert to the city or county general funds. The controller shall deposit in the public art fund all money received pursuant to Sec. 271-104 for the selection, acquisition, commissioning, maintenance, and display of artwork and public space beautification.

**Sec. 271-106. Public art grants program.**

(a) The council may appropriate money from the public art for neighborhoods fund for the purpose of annually awarding sub-grants for public art and public space beautification. The council's appropriation for the purpose of the public art and public space beautification grants program shall be administered by the Arts Council of Indianapolis. Upon appropriation from the council for the public art grants program, the controller shall expend the appropriation to the Arts Council as an all-purpose grant and enter into agreements for the establishment of guidelines, application processes, and other criteria for multiple public purpose sub-grants in support of the council's desire to fund the selection, acquisition, commissioning, maintenance, and display of artwork and public space beautification. The Arts Council's guidelines shall establish protocols to ensure that the public art for neighborhoods program is geographically balanced and provides opportunities for neighborhoods to present projects that will install art projects in public space and to beautify public space. The Arts Council shall take, at a minimum, the following elements in consideration when evaluating projects: the level of community support, the project's opportunity for economic development, and the project's ability to aid crime prevention. Projects may be located anywhere in the county.

(b) In addition, the Arts Council shall award at least fifty (50) percent of the total amount of the sub-grants for projects in neighborhoods where the median income is less than eighty (80) percent of the median income for the county as a whole.

**Sec. 271-107. Reporting and oversight.**

The Arts Council shall provide an annual written report to the full council on what individuals and organizations received sub-grants from this process. This report shall be provided to the president of the council and all council members by December 1 of each year that appropriations were made to administer the program. The Arts Council shall also make an annual report in person to a committee designated by the president of the council.

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

The foregoing was passed by the City-County Council this \_\_\_\_\_ day of \_\_\_\_\_, 2016, at \_\_\_\_\_ p.m.

ATTEST:

\_\_\_\_\_  
Maggie A. Lewis  
President, City-County Council

\_\_\_\_\_  
NaTrina DeBow  
Clerk, City-County Council

Presented by me to the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2016, at 10:00 a.m.

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NaTrina DeBow  
Clerk, City-County Council

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Joseph H. Hogsett, Mayor